

**BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

In the matter of the request to transfer wells from) Docket No. 25-CONS-3236-CMSC
Quito, Inc. to Emerson Operating, LLC.)
) CONSERVATION DIVISION
)
) License No. 33594 & 36165

**RESPONSE TO MOTION TO STRIKE POST-HEARING RESPONSE BRIEF
OF COMMISSION STAFF**

The Staff of the Kansas Corporation Commission (Staff and Commission, respectively) submits its Response to the Motion to Strike Post-Hearing Response Brief of Commission Staff (Motion) submitted by Quito, Inc. (Quito) on September 4, 2025. In support of its Response, Staff states the following:

1. On August 20, 2025, Quito and Emerson Operating, LLC (Emerson) submitted initial post-hearing briefs in the captioned docket.

2. On September 3, 2025, Commission Staff submitted a response to the briefs filed by Quito and Emerson.

3. On September 4, 2025, Quito filed its Motion. The Motion argues that the Commission should strike Commission Staff's Post-Hearing Response Brief and exclude it from the administrative record solely because Staff declined to file an initial brief.¹

4. The argument raised in Quito's Motion is not sufficient to strike Staff's response. The Presiding Officer Minutes Notice Post-Hearing Briefing Schedule provide "As noted in the email, per the Commission's directive at the evidentiary hearing, the deadline for each party to file any *desired* (emphasis added) initial post-hearing brief is August 20, 2025, and the deadline for each party to file any *desired* (emphasis added) responsive post-hearing brief is September 3,

¹ Motion to Strike Post-Hearing Response Brief of Commission Staff, ¶2 (Sept. 4, 2025).

2025.”² There is nothing in the presiding officer minutes or in the record that indicates filing an initial post-hearing brief is a requirement for filing a responsive post-hearing brief. Staff has the ability to submit a response to Quito and Emerson’s briefs regardless of whether or not it submitted an initial post-hearing brief. Quito’s attempt to prevent Staff from responding to the initial briefs submitted by Quito and Emerson is inappropriate and off base.

WHEREFORE, for the reasons described above, Staff respectfully requests the Commission deny Quito’s Motion and for any other relief the Commission determines to be just and equitable.

Respectfully Submitted,

/s/ Kelcey Marsh

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² Presiding Officer Minutes Noting Post-Hearing Briefing Schedule (Aug. 6, 2025).

CERTIFICATE OF SERVICE

25-CONS-3236-CMSC

I, the undersigned, certify that a true and correct copy of the attached Response has been served to the following by means of electronic service on September 9, 2025.

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